

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

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E.G., by his next friend, Vania Gonzalez,  
et al.,

Plaintiffs,

v.

BARRY BOND, et al.,

Defendants.

Civil Action No. 1:16-CV-068-C

**ORDER**

On this day, the Court considered (1) Defendant City of Abilene's Second 12(b)(6) Motion to Dismiss, filed February 10, 2017; and (2) Defendant Abilene Independent School District's (Abilene ISD) Second Motion to Dismiss, filed May 18, 2017. The United States Magistrate Judge entered his Report and Recommendation on June 29, 2017, advising that both motions be granted in part and denied in part. Plaintiffs and Defendant Abilene ISD each filed written objections on July 13, 2017. Defendant Abilene ISD filed a response to Plaintiffs' objections on July 27, 2017. Defendant City of Abilene did not file any objections or responses.

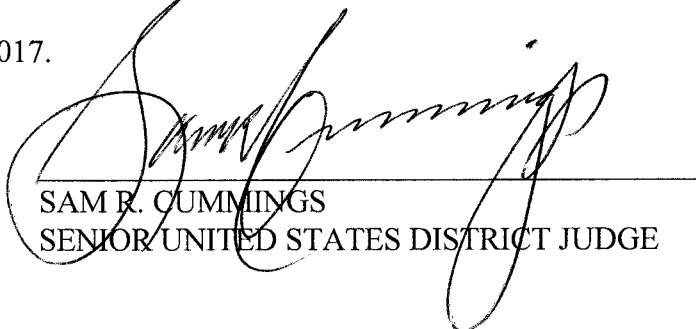
The Court previously adopted a Report and Recommendation from the Magistrate Judge granting in part and denying in part three separate motions to dismiss from the three Defendants. The Court allowed Plaintiffs to re-plead several claims, and their subsequent Second Amended Complaint now gives rise to Defendants' respective new motions. The Court sees no need to reiterate the factual background or legal standards applicable to this case and hereby incorporates these sections from its prior order.

Plaintiffs object to the recent Report and Recommendation to the extent that it recommends dismissal of their conspiracy claims. Defendant Abilene ISD objects that the Magistrate Judge improperly treated its Motion to Dismiss as a “Motion for Reconsideration” and summarily rejected new legal arguments from Abilene ISD without giving those arguments full consideration. The Court has conducted a *de novo* review of the issues raised by these objections and finds no error with the Magistrate Judge’s findings and conclusions. Both sets of objections are **OVERRULED**.

It is, therefore, **ORDERED** that the findings and conclusions in the Report and Recommendation are hereby **ADOPTED** as the findings and conclusions of the Court. Accordingly, it is **ORDERED** that Defendant City of Abilene’s Second 12(b)(6) Motion to Dismiss and Defendant Abilene ISD’s Second Motion to Dismiss are both **GRANTED** to the extent that they seek dismissal of Plaintiffs’ civil conspiracy claims and **DENIED** in all other respects. Plaintiffs’ conspiracy claims are **DISMISSED with prejudice** for the reasons stated in the Report and Recommendation.

This case is returned to the docket of the Honorable E. Scott Frost for further proceedings consistent with Second Amended Special Order No. 3-301.

Dated this 14<sup>th</sup> day of August, 2017.

  
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SAM R. CUMMINGS  
SENIOR UNITED STATES DISTRICT JUDGE